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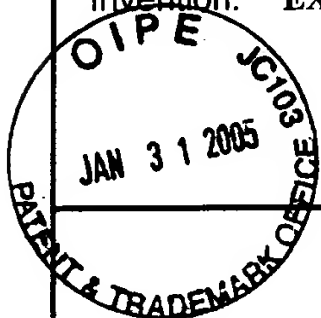
**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.
13711

In Re Application Of: **Joseph A. Rothnagel, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/880,253	June 13, 2001	T. McKelvey	23389	1636	7342

Invention: **EXPRESSION MODULATING SEQUENCES**



COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of July 28, 2004 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **July 28, 2004** finally rejecting Claim(s) **1, 32, 75, 82-87, 94 and 95**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: **October 28, 2004**

Date

until:

January 28, 2005

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

02/02/2005 MWOLDGE1 00000043 09880253

Fee for Notice of Appeal: \$250.00

01 Fee:2401
02 Fee:2253

250.00 OP
510.00 OP

Fee for Extension of Time: \$510.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$760.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of **\$760.00** for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


Signature

Dated: January 27, 2005

Frank S. DiGiglio
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
January 27, 2005	(Date) _____
Signature of Person Mailing Correspondence _____	
Frank S. DiGiglio	
Typed or Printed Name of Person Mailing Correspondence _____	

CC: